

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

Aeropostale Authentic Cargos, Khaki in color, with side
pockets, side cell phone pocket, zippers affixed to side
pockets, draw strings on bottom of the leg openings, belt
loops on the legs, size 36, currently in ATF custody at 1000
N. Water Street, Milwaukee, WI 53202.

Case No. 16-M-1315

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

evidence and instrumentalities associated with violations of Title 18 U.S.C. Section 844(i)

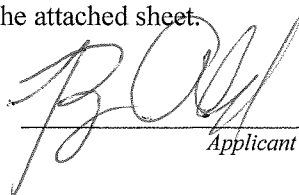
The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: 18 U.S.C. 844(i) Malicious Use of Fire

The application is based on these facts: See attached affidavit.

- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Special Agent Ryan Arnold, ATF

Printed Name and Title

Sworn to before me and signed in my presence:

Date: 9/24/16



Judge's signature

City and State: Milwaukee, Wisconsin

Honorable William E. Duffin, U.S. Magistrate Judge

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Ryan Arnold, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the seizure and examination of property described in Attachment A.
2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been since April 2014. As an ATF Agent, I have participated in numerous investigations regarding the unlawful possession of firearms by convicted felons. I have also conducted investigations related to the unlawful use of firearms, firearms trafficking, and arson.
3. Prior to my employment with ATF, I was a Special Agent with the United States Secret Service (USSS) for approximately 5 years. My duties included providing and planning dignitary protection, drafting and executing Federal search warrants, investigating of organized fraud networks, counterfeit currency investigations, and other financial crime.
4. Previous to my tenure with the USSS, I served as a police officer with the Chicago, Illinois, Police Department (CPD). During part of my career as a CPD Officer, I was assigned to the Organized Crime Division-Gang Enforcement Unit. My responsibilities included the investigations of street gangs, narcotics distribution, firearms violations, robbery, home invasions, operating in an undercover capacity, and the authoring and execution of search warrants.
5. This affidavit is made in support of an application for a warrant to seize and examine Stephen A. Ruffin's shorts, more fully described as Aeropostale Authentic Cargos,

Khaki in color, with side pockets, side cell phone pocket, zippers affixed to side pockets, draw strings on bottom of the leg openings, belt loops on the legs, size 36.

6. The seizure and examination will be for evidence and instrumentalities associated with violations of Title 18 United States Code 844 (i) which states whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce.

7. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF ITEMS TO BE SEIZED AND EXAMINED

8. The property to be seized and examined are shorts more fully described as Aeropostale Authentic Cargos, Khaki in color, with side pockets, side cell phone pocket, zippers affixed to side pockets, draw strings on bottom of the leg openings, belt loops on the legs, size 36.

9. The applied-for warrant would authorize the seizure and examination of evidence particularly described in Attachment A.

PROBABLE CAUSE

Events of August 13, 2016, and August 14, 2016

10. Affiant is currently investigating an arson that occurred at Big Jim's Liquors located 2161 W. Hopkins Street, Milwaukee, WI on August 14, 2016. As part of this

investigation, affiant has investigated the scene of the arson, spoke to potential witnesses, and viewed video surveillance footage from Big Jim's Liquor surveillance equipment.

11. Big Jim's surveillance footage revealed that on August 13, 2016, at approximately 8:14 PM, Kenneth L. EZELL (03/18/1987) and a black male wearing an orange shirt with "Safety First" on the back, khaki cargo shorts, shaved or bald head, and blue Adidas shoes entered Big Jim's Liquors located 2161 W. Hopkins Street, Milwaukee, WI. EZELL conducted a purchase and departed with the subject from the store. Mr. Ezell later identified the black male wearing an orange shirt with "Safety First" on the back, khaki cargo shorts, shaved or bald head, and blue Adidas shoes as Stephen Ruffin, DOB 06/25/1988. At approximately 8:17 PM, Ruffin is observed exiting the store with Ezell.

12. Big Jim's surveillance footage revealed that on August 14, 2016, at approximately 12:17 AM, that a black male subject, medium-heavy build, wearing an orange shirt with "Safety First" written on the back, khaki cargo shorts, shaved or bald head, and blue Adidas shoes arrived at the rear entry to Big Jim's Liquors located 2161 W. Hopkins Street, Milwaukee, WI. This is subject matched Ruffin's appearance from the earlier surveillance footage. Ruffin is observed on this surveillance footage carrying bolt cutters. Ruffin is joined by two additional unknown subjects. Ruffin, and the two unknown subjects made numerous attempts to breach the rear entry to Big Jim's Liquors. During these events, Ruffin removed a dark object and inspected it in a fashion similar to a person reviewing text messages, missed phone calls, dialed phone calls, and/or other information on a cellular phone. Ruffin then returned the phone to his pocket. The subjects departed at approximately 12:24 AM.

13. Big Jim's video footage revealed that on August 14, 2016, at approximately at approximately 1:48 AM, two subjects returned to 2161 W. Hopkins Street, Milwaukee, WI. One

of the two subjects is described a black male, medium-heavy build, wearing khaki cargo shorts, blue Adidas low top shoes, and a black, hooded sweatshirt. This subject appeared to have orange material over his face consistent with color of the orange "Safety First" t-shirt worn by Ruffin during the above events. This clothing and body build matches Ruffin's appearance as seen in the previous surveillance footage from August 13 and 14.

14. At approximately 1:52 AM, surveillance footage revealed that Ruffin continued attempts to breach the above door several times, and he is observed in possession of what appears to be a charcoal lighter fluid container. Moments later, Ruffin and the other subject ignited an item that appears to be paper and placed it near the rear entry of Big Jim's Liquor. Ruffin is observed placing a plastic soda container on the fire.

15. At approximately 1:49 AM, Ruffin is observed with a white container consistent with the type used to hold charcoal lighter fluid. The other subject is observed a short time later spraying the contents of this container around the air conditioning unit, which was next to the rear entry.

16. At approximately 1:50 AM, Ruffin and the other subject held a piece of paper and ignited it. After the paper was ignited, it was dropped near the rear entry and both subjects moved away from the door. Ruffin then placed a plastic soda container on top of the fire near the door and then appeared to hold the suspect lighter fluid bottle container above the aforementioned plastic container.

17. At approximately 1:55 AM both subjects left the area while the garbage can and plastic containers continued to burn near Big Jim's Liquor, causing structural damage to the location.

18. The above actions resulted in damage to the exterior of 2161 W. Hopkins Street, Milwaukee, WI, also known as Big Jim's Liquor's. Damage to the exterior door, wall, and vinyl siding was sustained by Big Jim's Liquor, which is a business engaged in interstate commerce.

19. Continuing on September 13, 2016, I received and reviewed the ATF Lab Report for samples collected from the fire set at 2161 W. Hopkins Street, Milwaukee, WI. The results of the ATF Laboratory Report detected a medium to heavy petroleum distillate, which is an ignitable liquid. The laboratory provided the examples of a medium to heavy petroleum distillate which included charcoal starters.

The Identification of Stephen Ruffin

20. On August 22, 2016, I interviewed Kenneth L. Ezell and he verified that he was the subject in the video with the above mentioned subject described as a black male wearing an orange shirt with writing on the back, khaki cargo shorts, shaved or bald head, and blue Adidas shoes. Ezell stated that he knew him as "Berr" or "Berr Man" but was also referred to as "Steph". Ezell also remembered that the subject celebrated his birthday on June 25th.

21. Subsequently, law enforcement conducted a database search during the interview of Ezell that revealed a Stephen Ruffin, DOB 06/25/1988. A photograph was provided to Ezell who confirmed that Ruffin was indeed the subject Ezell was with who was wearing the orange shirt in surveillance footage.

22. While in the interview, Ezell provided a phone number for the Ruffin and he provided 414-793-6792. The call log in Ezell's cellular phone showed that Ezell had been in contact with the aforementioned telephone number approximately 45 minutes before he showed it to law enforcement.

23. An open source database search revealed that the Facebook address for Ruffin is <https://www.facebook.com/berr.man> with "Stephen Ruffin" written on the profile picture. The profile stated that "Stephen Ruffin" lives in Milwaukee, Wisconsin. The pictures posted on the webpage looked similar to the subject observed in the Big Jim's Liquors surveillance footage.

The Arrest and Residence of Stephen Ruffin

24. Law enforcement officers have been searching for Ruffin for several weeks and made contact with his family members in the attempt to locate Ruffin.

25. On September 19, 2016, the Milwaukee Police Department arrested Stephen Ruffin for an outstanding Milwaukee Temporary Felony Warrant for violations of Wisconsin State Statutes 943.02 (1) (a) [2005FC]-Arson to Building without Owner's Consent and 939.32 (1M) (A) [2299FF] Burglary to Building with 939.32 (1) modification for attempt. Officers knocked on the door of 5258 N. 57th Street, Milwaukee, WI, and Stephen Ruffin answered the door. Ruffin allowed officers to come inside the residence prior to the arrest. Officer Michael Flannery stated that Ruffin's room was in the center of the home yet he retrieved the white shoes he wore to jail from a second bedroom.

26. Ruffin explained to Officer Flannery that he stays at this address when he is watching his son and that Ruffin and his four-year-old son were the only people currently home. Ruffin requested that he telephonically contact his father to care for his child. Officer granted this request and Ruffin's father arrived at 5258 N. 57th Street, Milwaukee, WI, to care for his son. Officer Flannery saw a family photo with Ruffin inside of the residence.

27. Ezell stated that Ruffin often stays at 5258 N. 57th Street, Milwaukee, WI.

28. On September 20, 2016, ATF Task Force Officer Keith Dodd and I interviewed Ruffin in the Milwaukee Jail. Ruffin matched the person in the surveillance footage reviewed by

law enforcement. During this interview, I noticed that Ruffin was wearing a pair of khaki cargo shorts consistent with the type observed in the above surveillance videos. These shorts are more fully described as Aeropostale Authentic Cargos, Khaki in color, with side pockets, side cell phone pocket, zippers affixed to side pockets, draw strings on bottom of the leg openings, belt loops on the legs, size 36.

29. Ruffin's shorts are more fully described as Aeropostale Authentic Cargos, Khaki in color, with side pockets, side cell phone pocket, zippers affixed to side pockets, draw strings on bottom of the leg openings, belt loops on the legs, size 36, are currently in ATF custody at 1000 N. Water Street, Milwaukee, WI 53202.

Conclusion

30. I submit that this affidavit supports probable cause for a search warrant authorizing the seizure and examination of Ruffin's Aeropostale Authentic Cargos, Khaki in color, with side pockets, side cell phone pocket, zippers affixed to side pockets, draw strings on bottom of the leg openings, belt loops on the legs, size 36, fully described in Attachment A, for evidence and instrumentalities of the above crime. Additionally, I submit that this affidavit supports probable cause to seek the items described in Attachment A.

ATTACHMENT A

Property to Be Seized and Examined

Aeropostale Authentic Cargos, Khaki in color, with side pockets, side cell phone pocket, zippers affixed to side pockets, draw strings on bottom of the leg openings, belt loops on the legs, size 36, currently in ATF custody at 1000 N. Watr Street, Milwaukee, WI 53202.